THE HON'BLE MRS. JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR. JUSTICE K .C. BHANU

TAKEN UP

WRIT PETITION NO : 21346 OF 2005

Dated 02-02-2006

Between :

Smt. Phool Bai, wife of Peerappa Rajappa, aged 35years, Occupation : House-wife, resident of H.No.4/7/42/2/AA/, Maruthinagar, Attapur, Rajendranagar, Mandal, Ranga Reddy District.

PETITIONER.

AND :

1. The Station House Officer, Kothakota Police Station, Mahaboobnagar District. and another.

RESPONDENTS

ORDER : (Per the Honourable Smt. Justice T.Meena Kumari)

This is a taken up writ petition on the telegram dated 26-09-2005 sent by the petitioner to issue a direction to the respondents to produce the husband of the petitioner viz., Peerappa Rajappa, son of late Manumath Hanumathappa, aged 45 years, driver-cum-owenr truck bearing No.AP 10 U 3837, before this Court, who was arrested by the Police Personnel of Kothakota Police Station, Mahaboobnagar District on 18-09-2005 at Yadav Dhaba N.H.No.7, apprehending danger to his life and set him at liberty forthwith.

2. Respondents filed the counter-affidavit denying the allegations in the Telegram. It is further stated in the counter that basing on the complaint lodged by the complainant by name Sunil Kumar Roy stating that he received a phone call from the driver-cum-owner of truck in question that there was a theft of cigarettes

from his truck at Sri Sai Dhaba village, the complainant rushed to the spot and when he enquired the cleaner of the truck, he stated that the driver threatened him not to disclose the missing of the cigarettes to anybody, the Sub-Inspector of Police, Kothakota Police Station registered a case in Cr.No.105 of 2005 for the offence punishable under Section 407 IPC. The alleged detenu was absconding since the date of lodging of the complaint. It is further stated that the alleged detenu has surrendered before the Judl. Magistrate of First Class, Wanaparthy on 4-10-2005 and he was sent to the District Jail, at Mahaboobnagar.

3. It is submitted across the Bar by the learned Advocate General that since the alleged detenu was involved in a case in Cr.No.105 of 2005 of Kothakota Police station and he was absconding from the date of complaint and he has surrendered before the Judicial First Class Magistrate, Wanaparthi and later he was sent for remand, the question of illegal detention does not arise.

4. In view of the submissions made by the learned Advocate General and in view of the averments made in the counter, We are of the view that no further orders are necessary in this writ petition.

5. In the result, this writ petition is dismissed. No costs.

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Justice T.MEENA KUMARI

Dated 02-02-2006

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Justice K.C.BHANU

Dvs/Gurc

THE HON'BLE MRS. JUSTICE T. MEENA KUMARI

&

THE HON'BLE MR. JUSTICE K .C. BHANU

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WRIT PETITION NO : 21346 OF 2005

(Judgment delivered by the

honourable Smt. Justice T. Meena Kumari)

Dated 02-02-2006